

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

H.B.,

Plaintiff,

v.

RED ROOF INNS, INC. et al.,

Defendants.

CIVIL ACTION FILE

NO. 1:22-cv-1181-JPB

**PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO EXCLUDE
ANY EVIDENCE RELATING TO DEFENDANTS' FINANCIAL
CONDITION**

Defendants seek to exclude two exhibits—their consolidated financial statements—from evidence during the liability phase of this trial. Plaintiff does not intend to introduce the two exhibits during the liability phase of the trial. Plaintiff *will* seek to introduce the evidence, where it is plainly relevant, during the punitive damages phase of the trial. *Lambert v. Fulton Cnty., Ga.*, 97 F. Supp. 2d 1380, 1385 (N.D. Ga. 2000), *aff'd*, 253 F.3d 588 (11th Cir. 2001) (“It is also well settled that the financial circumstances of an individual defendant may be a relevant consideration for an award of punitive damages.”); *Christian v. Ford Motor Co.*, 4:22-CV-62 (CDL), 2024 WL 1496236, at *2 (M.D. Ga. Mar. 4, 2024) (“It is common sense that the amount of a civil penalty may impact a wrongdoer (and thus his conduct) differently depending upon the wealth of that wrongdoer.”).

Thus, Plaintiff does not oppose the relief Defendant seeks as to the liability phase of the trial, and the Court may defer any ruling regarding the punitive damages phase “until trial so that questions of foundation, relevancy, and potential prejudice may be resolved in the proper context.” *United States v. Gonzalez*, 718 F. Supp. 2d 1341, 1345 (S.D. Fla. 2010).

Respectfully submitted on October 28, 2024.

ANDERSEN, TATE & CARR, P.C.

/s/ Jonathan S. Tonge

PATRICK J. McDONOUGH
Georgia Bar No. 489855
pmcdonough@atclawfirm.com
JONATHAN S. TONGE
Georgia Bar No. 303999
jtonge@atclawfirm.com
RORY A. WEEKS
Georgia Bar No. 113491
rweeks@atclawfirm.com
JENNIFER M. WEBSTER
Georgia Bar No. 760381
jwebster@atclawfirm.com
Attorneys for Plaintiff

One Sugarloaf Centre
1960 Satellite Boulevard, Suite 4000
Duluth, Georgia 30097
(770) 822-0900 | Telephone
(770) 822-9680 | Facsimile

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rules 5.1(C) and 7.1(D), I hereby certify that the foregoing filing complies with the applicable font type and size requirements and is formatted in Times New Roman, 14-point font.

Respectfully submitted on October 28, 2024.

ANDERSEN, TATE & CARR, P.C.

/s/ Jonathan S. Tonge
PATRICK J. McDONOUGH
Georgia Bar No. 489855
pmcdonough@atclawfirm.com
JONATHAN S. TONGE
Georgia Bar No. 303999
jtonge@atclawfirm.com
RORY A. WEEKS
Georgia Bar No. 113491
rweeks@atclawfirm.com
JENNIFER M. WEBSTER
Georgia Bar No. 760381
jwebster@atclawfirm.com
Attorneys for Plaintiff

One Sugarloaf Centre
1960 Satellite Boulevard, Suite 4000
Duluth, Georgia 30097
(770) 822-0900 | Telephone
(770) 822-9680 | Facsimile

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

Respectfully submitted on 28th day October, 2024.

ANDERSEN, TATE & CARR, P.C.

/s/ Jonathan S. Tonge

PATRICK J. McDONOUGH
Georgia Bar No. 489855
pmcdonough@atclawfirm.com
JONATHAN S. TONGE
Georgia Bar No. 303999
jtonge@atclawfirm.com
RORY A. WEEKS
Georgia Bar No. 113491
rweeks@atclawfirm.com
JENNIFER M. WEBSTER
Georgia Bar No. 760381
jwebster@atclawfirm.com
Attorneys for Plaintiff

One Sugarloaf Centre
1960 Satellite Boulevard, Suite 4000
Duluth, Georgia 30097
(770) 822-0900 | Telephone
(770) 822-9680 | Facsimile